

### **DETAILED ACTION**

1. **Upon further consideration and review, the previous Non-Final Office action mailed to Applicant on 28 October 2010 is hereby vacated and replaced with the following Non-Final Office action and action upon claims 1-12 now follows. The shortened statutory period for 3 months has been reset. Any inconvenience is sincerely regretted.**

**Also, note that the Finality of the Office Action mailed 15 July 2010 has been withdrawn.**

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claim 1, lines 4-5, the limitation that the bristle unit moves in an “oscillating” manner is not originally supported and therefore constitutes new matter.

Art Unit: 3723

4. Claims 7 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7, lines 1-2, recites "a second connection arrangement" which appears to conflict with that set forth back in claim 1. In other words, "a second connection arrangement" appears to be a double inclusion of elements with that already set forth in claim 1, at lines 18-22. There should be some clear structural connection between claims 1 and 7 for clarity of scope.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Lamond et al. 5,875,510 (hereinafter Lamond).

As for claim 12, the patent to Lamond discloses a toothbrush in Figs. 1-9 comprising a brushhead assembly 2 which includes an attachment system at body portion 12, a handle 4 to which the brushhead assembly 2 is removably attachable, the handle 4 having a fixed receiving portion with a cavity or hollow part 24 or even at hollow center 36 of collar 32 (Figs. 7-9; col. 3, lines 54-65), at an upper end thereof, into which a lower portion of the attachment system fits, wherein the brushhead assembly 2

Art Unit: 3723

includes a first part which could be nib 46 which mates with a first part at slot 48 9fig. 8) on the hollow portion of the fixed receiving portion to prevent rotational movement of the brushhead assembly relative to the handle (col. 4, lines 3-5) and a second, separate part at wing 14 and front edge 49 or at pin 44 which mates with a second, separate part at surface 50 or at aperture(s) 28 (Figs. 2, 3 and 9; col. 4, lines 5-7) of the receiving portion to positively prevent translational movement of the brushhead assembly relative to the handle, wherein the attachment system is configured and arranged to permit the brushhead assembly to be removed from the handle or inserted into the handle linearly, without rotation of the brushhead assembly relative to the handle (col. 4, lines 7-12). As for the preamble reciting "[A] **power** toothbrush", no patentable weight has been given to such term "power" here absent any further structure or specificity in the claim.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 6, 7 and 9-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Driesen et al. 2003/0163881 (hereinafter Driesen).

As for claim 1, Driesen discloses in Figs. 1-4, for example, a power toothbrush, comprising a brushhead assembly 2, 19, the brushhead assembly 2, 19 including a drive linkage or mounting shaft 15 (Fig. 4) on which is positioned a brush bristle unit 9, 10 for brushing teeth and a force conversion assembly defined *at least by* the portion of drive linkage 15 closer to the motor and bearing 16 adapted and arranged to convert a

Art Unit: 3723

driving force into a movement of the mounting shaft to move the bristle unit 9, 10 in an oscillating manner (paragraph [0054]) to accomplish cleansing of the teeth, a handle 1 to which the brushhead assembly 2, 19 is removably attached, the handle 1 having a fixed receiving portion at brush tube 3 or attachment section 20, which includes an upper hollow portion (not explicitly labeled but shown in Figs. 2 and 3) into which a lower part of the force conversion assembly fits, and an attachment system which includes a first connection arrangement comprising a part defined by ribs 22 on the hollow portion of the fixed receiving portion and a corresponding mating part defined by grooves 23 on the force conversion assembly for positively preventing rotational movement of the brushhead assembly relative to the handle (paragraph [0060]; Figs. 2 and 3), wherein the force conversion assembly further includes at least one engaging member defined by flexible tongue 30 with engaging means 31 thereon which, when the brushhead assembly is operatively positioned in the receiving portion, extends at least partially into a "perforation" or opening defined by locking means 32 in the receiving portion of the handle 1, which positively prevents "axial" or translational movement of the brushhead assembly relative to the handle during operation of the toothbrush (paragraph [0061]; Figs. 2 and 3), wherein the attachment system is configured and arranged such that the brushhead assembly is removed from the handle or inserted into the handle linearly, directly toward and away from the handle, without rotation of the brushhead assembly being necessary to tighten the brushhead assembly onto the handle or loosen it therefrom (paragraphs [0059] and [0060]).

As for claim 6, the first connection arrangement includes a groove or opening 23 in a wall portion of the force conversion combination, adapted to mate snugly with a rib portion 22 on an internal surface of the receiving portion 3, 20 of the handle (a second connection arrangement which includes a cut-out section in the receiving portion, the cut-out section extending downwardly from an upper edge of the receiving portion, and wherein the force conversion assembly includes a portion which mates snugly with said cut-out portion (paragraph [0060]; Figs. 2 and 3).

As well as claim 7 is understood, there is a second connection arrangement which includes a “perforation” or cut-out section 32 in the receiving portion 3, 20, the cut-out section 32 “extending downwardly” (a broad phrase) from “an upper edge” (merely relative) of the receiving portion, and wherein the force conversion assembly includes a portion 31 which mates snugly with said cut-out portion 32 (paragraph [0061]; Figs. 2 and 3).

As for claim 9, the first and second connection arrangements approximately oppose each other around the peripheries of the receiving portion 3, 20 and the force conversion assembly (Figs. 2 and 3).

As for claim 10, Driesen discloses a power toothbrush in Figs. 1-4, for example, comprising a brushhead assembly 2, 19, a handle 1 to which the brushhead assembly 2, 19 is removably attached, the handle 1 having a fixed receiving portion at brush tube 3 or attachment section 20, the brushhead assembly 2, 19 including a force coupling assembly defined *at least by* the portion of drive linkage 15 closer to the motor and bearing 16 adapted and arranged to couple a driving force produced by a driver portion

Art Unit: 3723

5, 18 (paragraph [0058]) of the power toothbrush to a drive linkage or mounting shaft 15 and/or pivot pin 12 on which a set of bristles 9 is mounted (paragraph [0057]), wherein the fixed receiving portion 3, 20 includes an upper hollow portion (not explicitly labeled but shown in Figs. 2 and 3) into which a lower portion of the force coupling assembly fits, and a brushhead attachment system, wherein the force coupling assembly includes a groove or slot 23 therein into which a rib member 22 on an internal surface of the hollow portion of the fixed receiving portion of the handle snugly fits to positively prevent rotational movement of the brushhead assembly relative to the handle (paragraphs [0059] and [0060]) and wherein the force coupling assembly includes at least one engaging member 30, 31 which, when the brushhead assembly is operatively positioned in the receiving portion of the handle, extends at least partially into a “perforation” or opening 32 in the receiving portion, positively prevents translational movement of the brushhead assembly relative to the handle during operation of the toothbrush ([paragraph [0061]).

As for claim 11, the attachment system is configured and arranged to permit the brushhead assembly to be removed from the handle or inserted into the handle in a linear movement thereof, without rotation of the brushhead assembly (paragraphs [0059] and [0060]).

As for claim 12, Driesen discloses a power toothbrush in Figs. 1-4, for example, a power toothbrush comprising a brushhead assembly which includes an attachment system, a handle 1 to which the brushhead assembly is removably attachable, the handle having a fixed receiving portion at brush tube 3 or attachment section 20 with a

Art Unit: 3723

hollow part at an upper end thereof, into which a lower portion of the attachment system fits., wherein the brushhead assembly includes a first part 23 which mates with a first part 22 on the hollow portion (not explicitly labeled but shown in Figs. 2 and 3) of the fixed receiving portion 3, 20 to prevent rotational movement of the brushhead assembly relative to the handle (paragraph [0060]; Figs. 2 and 3) and a second, separate part 31 which mates with a second, separate part 32 of the receiving portion to positively prevent translational movement of the brushhead assembly relative to the handle (paragraph [0061]; Figs. 2 and 3), wherein the attachment system is configured and arranged to permit the brushhead assembly to be removed from the handle or inserted into the handle linearly, without rotation of the brushhead assembly relative to the handle (paragraphs [0059] and [0060]).

### ***Allowable Subject Matter***

8. Claims 2-5 and 8 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

9. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 3723

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Randall Chin/  
Primary Examiner, Art Unit 3723



Application/Control Number: 10/562,271  
Art Unit: 3723

Page 10